



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 72 of 2025

Arun Sharma S/o Bachchanlal Sharma Aged About 49 Years R/o House No. 730, Hanuman Nagar, Ward No. 21, Near Kumku Medical, Durg, District Durg Chhattisgarh.

... Applicant

versus

Vipul Choukse S/o J.N. Choukse Aged About 47 Years R/o Gayatri Nagar, Raipur, District Raipur Chhattisgarh.

... Respondent

Order Sheet

05/02/2026	Mr. Jitendra Gupta, counsel for applicant. Mr. Khilendra Sahu, counsel for respondent. Heard on admission. Admit. Let fresh notice be issued to the respondent on payment of PF as per the rules. Also heard on I.A. No.01/2025, application for grant of interim relief/stay.

	The accused/applicant was convicted for the offence punishable under Section 138 of NI Act and sentenced to undergo RI for 3 months and pay compensation of Rs.1,27,242/- with default stipulation, by the JMFC, Raipur (C.G.) by judgment dated 08.04.2024 in Criminal Complainant Case No. 5115/2022. Being aggrieved by the said judgment, the applicant preferred an appeal i.e. Criminal Appeal No. 142/2024 before the 8th Additional Sessions Judge, Raipur. Vide impugned judgment dated 24.10.2024, the appeal was partly allowed to the extent that the conviction of the applicant under Section 138 N.I. Act was upheld but the jail sentence of 3 months was set aside. However, the fine/compensation has been maintained and the applicant has been directed to undergo six months simple imprisonment in default of payment of compensation. Learned counsel for the applicant submits that the applicant/accused has been sentenced only with compensation of Rs.1,27,242/- and he has already deposited Rs.22,000/- before the trial Court. The applicant is ready to abide by all the terms and conditions which may be imposed upon him while suspending the recovery of the compensation. The conclusion of this revision is likely to take considerable time, therefore, the
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recovery of compensation may be suspended till final disposal of the case.

On the other hand, learned counsel appearing for the respondent opposes the said prayer.

Heard learned counsel for the parties and perused the record.

Considering the facts and circumstances of the case, I am inclined to suspend the recovery of the compensation.

Accordingly, the application (I.A. No. 01/2025) is **allowed**.

It is directed that on applicant's furnishing a personal bond for a sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the trial Court and subject to depositing 50% of the cheque amount (inclusive of Rs.22,000/- already deposited by the applicant before the trial Court) by the applicant within a period of 60 days from today, the recovery of the remaining compensation shall remain stayed till final disposal of the revision.

The applicant shall appear before the Registry of this Court on **6th April, 2026**. He shall thereafter appear before the concerned trial Court on a date to be given by the Registry of this Court and thereafter shall continue to appear before the trial Court on all such subsequent dates as are given to him by the said Court till disposal of this case.

After due verification, the complainant would be at liberty to withdraw the amount deposited by the applicant with a condition to return the said amount whenever the Court directs.

Call for records of the trial Court.

List it thereafter.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai